

November 16, 2005

Office Of The General Counsel
Federal Election Commission
999 E Street N.W.
Washington, DC 20463

2005 NOV 25 A 9 38

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Complaint:

Gerald L. McMillian
[REDACTED]
Proctorville, OH 45669

RE: MUR # 5664, Additional Information

Dear Sir/Mam:

On about February 20, 2005 I received a copy of a F.E.C. Conciliation Agreement MUR #5268 after I had read the agreement I was sure that myself and all of the other Servicing Representatives/Organizers of the IUPAT District Council 53 had committed violations of the F.E.C. regulations. I became very concerned about the possible charges that I may be charged with. If I was convicted of a felony I could not hold office in any labor organization. I have been elected as Business Representative of my local union about six times every three years for a total of twenty years of service for Painters Local Union 813. I have always taken great pride in my job by enlisting new members and serving my current members and watching the members become successful in our trade. I operated a very successful organization at Painters Local Union 813 for many years, before we were merged into District Council 53. On March 3, 2005 at our regular staff meeting held at District Council 53 in Charleston, West Virginia, Mr. Mitchell told all of his Servicing Representatives/Organizers that no one could write a letter to our International Union Office in Washington, DC or any other Organization unless he approved the letter first. I voiced my concerns to Mr. Mitchell about him instructing all of us "Do not put on your weekly reports that you attended a political rally for John Kerry or any anti-Bush rallies, he said to put that we were educating our membership, and if we did put anything else on the reports he would reject them and return them to us. I decided then that I would contact the F.E.C. to discuss the possible violations that we had participated in. In my first call to the F.E.C. I spoke with a female concerning the possible violations, and she said that I should file a complaint. I told her I may face lots of repercussions from the union if I filed a complaint. I ask her if I had any problems would the F.E.C. help me, her response was yes they would help me just let us know.

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In April 2005 I told Mr. Mitchell and all of District Council 53 staff in a meeting that his instruction for all Servicing Representatives/Organizers to write educating membership on our reports for all political activities, in my opinion was a violation of the F.E.C. Rules and regulations. I wrote Mr. Mitchell a letter on April 27, 2005 requesting that he make an appointment for me with legal counsel to discuss several issues that I felt were F.E.C. violations. I received a fax back on May 2, 2005 from Mr. Mitchell requesting me to come to his office on Wednesday May 4, 2005 at 11:00 a.m. to investigate my specific facts. I had already voiced my concerns to Mr. Mitchell about the F.E.C. violations to no avail. I told Mr. Mitchell that I was going to file a complaint with the F.E.C. Since that time it has been utter anguish for me. The events that have unfolded against me are as follows: I have been removed as a trustee on our Health and Welfare Plan, which I have set on for twenty years, I have been brought up on charges twice, The first charge I was found guilty on June 2, 2005 and a penalty was assessed of five years not being able to hold an office, be a delegate or be on a committee on any level of the IUPAT organization and a monetary amount of \$1,000.00 dollar fine, this is to be rescinded to \$500.00 dollars with a five year probation period during which time I refrain from any violations of the General Constitution. If a violation of the probation period occurs then the remaining \$500.00 fine would be assessed. I would like to add that Mr. Mitchell already knew that there was another set of charges filed against me by Michael Pennington; he filed them with Mr. Mitchell on May 19, 2005. My second trial was held on July 8, 2005, I again was found guilty, the penalty of two years not being able to attend local union meetings of any local union in District Council 53 or any District Council 53 Meetings. The June 2, 2005 Trial Boards decisions of five years probation period from any future violation of the General Constitution on the rescinded fine of \$1,000.00 will be assessed. I know that if these charges were investigated by an outside agency these charges would be found to have no merit and that they are a form of harassment. On May 5, 2005 after talking with the General Vice-President of the Eastern Region of the IUPAT William D. Candelori about my issues, such as being removed as a Trustee from our Health and Welfare Insurance Fund, and what I thought was F.E.C. violations, He stated to me that none of my complaints had any merit. He stated to me that he felt that our International Union should audit our Local Union Vacation Fund, audit our JATC Program and our local union 813 accounts that I had managed for twenty years. I told Mr. Candelori to go ahead and audit anything that he wanted to that I knew that everything was in order. That same morning after the meeting with Mr. Candelori and Mr. Mitchell I was handed an important assignment by Mr. Mitchell, I took the letter that stated that I was to travel over three-hundred miles one-way and be away from my family for possibly a week, and meet Mr. Richard Hackney, Apprenticeship Administrator/Assistant Business Manager/Secretary-Treasurer and Jerry Huffman Servicing Rep/Organizer to check the area for organizing opportunities for District Council 53. I felt like this assignment was a trap for more charges to be filed against me. I had charges filed against me by Richard Hackney previously and he had also stated that he would take me outside and whip my Ass. Also Jerry Huffman had stated in a meeting that he did not want to work with me and he tried to get me to go outside with him and he would kick my Ass. He also told me that he hated me and that I was causing trouble for

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District Council 53. I told Mr. Mitchell that I felt very uncomfortable about this assignment for fear that there would be harm against me if I took this assignment that I was given and Mr. Mitchell stated that these incidences were in the past. This assignment was cancelled as soon as I resigned. At 10:40 a.m. I drafted a letter that stated that I was resigning from District Council 53 as a Servicing representative/Organizer due to extreme Dureas and Harassment. I have spoken with several agencies and they have labeled my resignation as a constructive discharge. I felt that my resignation was necessary to avoid possible physical harm and mental anguish. I left the DC 53 staff meeting at 10:50 a.m. on May 5, 2005. I received my last check on May 6, 2005. Mr. Mitchell has not allowed me to claim unemployment. I have been taking a thumping since I filed the F.E.C. Complaint. I need some help please to correct this injustice. In speaking with some of the District Council 53 staff they are asking when they will get their chance to speak with the investigators from the F.E.C. I need to make your office aware that the JATC Instructor mentioned in my first complaint, MUR 5664 no longer is employed for District Council 53, Mr. Homer Williamson address is: [REDACTED] Prichard, WV 25555 His telephone number is [REDACTED] I also received a telephone call from one of District Council 53 Rep/Organizers who told me that all of District Council 53's Representatives were ordered to be at District Council 53 office in Charleston, West Virginia on July 13, 2005 at 8:00 a.m. to meet with the DC 53 Union Legal Attorney, John Dascoli. He stated that Mr. Dascoli took each of the District Council 53 Representatives to a room and asks each one a series of questions in reference to my F.E.C. complaint that I filed. Several of the District Council 53 Representatives have called me and are afraid that the negative reports will not be included in District Council 53's response back to the F.E.C. On November 15, 2005 I had another discussion with one of District Council 53 Representative's and he stated that Mr. Mitchell had ordered all the District Council 53 Servicing Representatives/ Organizers to report to Mr. John Dascoli's office and sign a document which stated that all of Gerald McMillians statements that he had made to the FEC were not true. The Representative that had informed me of this refused to sign the blanket statement for lack of details in the document.

I would also like to inform your office that effective November 1, 2005 my home local union, Painters Local union 813 has been merged into Painters Local union 970 Charleston, West Virginia, I feel that this merger is a repercussion because of the complaint that I have filed with the FEC. The membership of Painters Local Union 813 have to travel over an hour now to attend any local union meetings and it is long distance for them to even call the local that they were merged into. This is a hardship to many of our members. The membership of Painters Local union 813 have called and are very distraught about their home local union being merged.

I have attached about all of the documents with this letter to keep the F.E.C. abreast to what has happened and what is going on currently. I have been under attack by District Council Representatives from the date that I informed Mr. Mitchell that I was going to file this complaint. Is there anyone from your office that can assist me in this matter?

Thanking you in advance with these matters.

Sincerely,


Gerald L. McMillian
[REDACTED]
Proctorville, OH 45669
[REDACTED]

Taken, subscribed and sworn to before me, the undersigned notary,
this 16th day of November, 2005.

My

commission

expires: 1/29/2008



Notary Public

**INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES AFL-CIO CLC
DISTRICT COUNCIL 53**

CERTIFIED MAIL: 7003 0500 0004 5468 9296

May 25, 2005

**Office of
Clarence E. Mitchell, Sr.
Business Manager/
Secretary - Treasurer**

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ONE AGENDA

**115
Spring Street
Charleston
West Virginia
25302**

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Mr. Gerald McMillian

Proctorville, OH 45669

**Re: Violation of Section 282(9) of the Constitution of the International
Union of Painters and Allied Trades.**

Dear Sir and Brother,

**In accordance with the Constitution of the International Union of
Painters and Allied Trades Section 285, please be advised that you are to
report to the District Council 53 office at 115 Spring Street, Charleston,
West Virginia 25302 on July 8, 2005 at 5:00pm.**

**You will be reviewed by the Trial Board of District Council 53,
concerning charges filed against you by Michael Pennington, President
of District Council 53, for violations of Section 282(9) of the
Constitution of the International Union of Painters and Allied Trades.**

Fraternally Yours,


Clarence E. Mitchell, Sr.

Business Manager/Secretary-Treasurer

**Cc. Michael Pennington
File**

CEM/emmm

To Clarence E. Mitchell, Sr.
Secretary of the Trial Body

From: Michael Pennington
President District Council 53

Ref: Charges on Gerald McMillian

Date: May 19, 2005

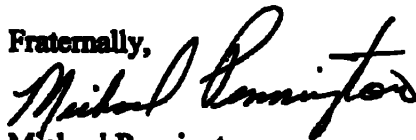
As Per Section 282 (9) of the Constitution of the International Union of Painters and Allied Trades, I, Michael Pennington, President District Council 53 on the basis of my statement below do here by file the following charge on Brother Gerald McMillian.

Brother McMillian at the regular monthly union meeting for Local 813 on May 12, 2005 made numerous remarks and statement with the intention to cause dissention among the members in attendance and caused disruption of the regular order of business. At the conclusion of the meeting Brother McMillian ask for the meeting to be adjourned and requested all 813 members to follow him down stairs for a private meeting with him out of the presences of the official officers of the District Council 53 that were in attendance.

(The Charge Per)

Section 282 (9) creating dissension among the members; or destroying harmony within the Local Unions.

Fraternally,



Michael Pennington
President District Council 53



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INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, AFL-CIO, CLC DISTRICT COUNCIL 53

July 11, 2005

Gerald McMillian

Proctorville, OH 45669


Re: Trial Board Hearing July 8, 2005

Dear Sir and Brother,

Charges filed by Business Representative Michael Pennington against Gerald McMillian were heard on July 8, 2005 at 5:00 P.M. 115 Spring Street Charleston, WV 25302. In accordance with the General Constitution of the International Brotherhood of Painters and Allied Trades Section 282 (9) the decision of the trial board is as follows:

Penalty of Two (2) years not being able to attend Local Union Meeting of any Local Union in District Council 53 or any District Council Meetings. The June 2, 2005 Trial Board's decision of five (5) year probation period from any future violation of the General Constitution on the rescinded fine of \$1000.00 to \$500.00 has been violated and the full monetary fine of \$1000.00 will be assessed. In accordance with Section 293 of the International Union of Painters and Allied Trades General Constitution.

Fraternally yours,


Clarence Mitchell/ BMST
District Council No. 53

CC: GST Galis
BR/ Pennington



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UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, AFL-CIO, CLC
DISTRICT COUNCIL 53

Trial Minutes for the Case of Michael Pennington vs. Gerald McMillian July 8, 2005

The trial board was convened at 5:00 pm Friday July 8th, 2005 by Trial Board chairman Dan Poling at 115 Spring St. Charleston WV . Trial Board members in attendance were as follows:

Denver Abicht	Kenny Bird	Ray Bradley
Richard Guthrie	Gary Kosky	Clarence Mitchell
Dan Poling	Rodney Scaggs	Gary Strobe

Richard Guthrie informed Chairman Poling that Gerald McMillian had requested that he be a witness, and he would like to be excused from the board. Chairman Poling at that time excused Richard Guthrie and to maintain an uneven number of trial board members, he also excused Kenny Bird. The chairman then instructed the trial board on jurist prudence and trial conduct.

Chairman Poling called for Michael Pennington and Gerald McMillian to be brought before the trial board, and asked Clarence Mitchell to read the charges against Brother McMillian which read as follows Section 282(9) creating dissention among the members; or destroying harmony within the Local Unions. After the reading of the charges and with no objection Michael Pennington was asked to give his statement and to call any witness' he might have.

Brother Pennington testified that at the regular called meeting of Local 813 on the night of May 12, 2005 Brother McMillian made statements and took actions that were detrimental to the wellbeing of the union and meant to cause dissension among the members of local 813. Brother Pennington stated that brother McMillian stood on the floor and ask the president of local 813 to dismiss all District Council 53 members who were not members of local 813 from the meeting and his request was denied. He then stated that Brother McMillian told the membership that contract language had been changed without his knowledge and that the contract was not his fault and he wanted to have a private meeting with the 813 membership after the regular meeting. Brother Pennington stated that he had brought the charges because of the statements and actions of brother McMillian during and after the meeting of May 12, 2005. Brother Pennington then called the first witness on his behalf, Brother Richard Hackney assistant to Business Manager / Secretary Treasurer Mitchell



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THE DISTRICT COUNCIL OF PROTECTIVE AND DECORATIVE COATERS, AFL-CIO, CLC
DISTRICT COUNCIL 53

Brother Hackney stated that he and other members of District Council 53 had attended Local 813's meeting on May 12, 2005 because this was the first meeting since Brother McMillian had submitted his resignation, and Brother Pennington had been assigned as the representative for local 813. He also stated that after the meeting was called to order Brother McMillian tried to give a Business Representative's report. At this time Brother Poling ask him if Brother McMillian had been authorized to give a report, and the answer was no. He then stated that Brother McMillian told the membership that he was missing 10,000 hours on his pension and that he felt General Vice President Candilori had "threatened him and done him wrong" and he asked to have a private meeting with the membership of local 813 after the regular meeting. At this time Brother Pennington asked Brother Hackney if he felt Brother McMillian's request for a private meeting was for the purpose of causing dissension among the membership, and the answer was yes. Brother Hackney went on to say that because of Brother McMillian's continual outbursts the regular order of business could not be conducted. With no further questions Brother Hackney stepped down.

Brother Pennington then called his next witness Brother John Conley a member of local 813.

Brother Conley stated he did attend the regular called meeting of Local 813 on the night of May 12, 2005 He first stated that the meeting was mainly between Brother McMillian and Brother Hackney and it was mainly about the vacation pay, and that Brother McMillian had asked for a private meeting after the regular meeting for the members of Local 813. Brother Kosky asked if Brother Conley felt the meeting was brought to order normally by the president, and the answer was yes. He went on to say although he had not attended that many meetings he felt the proceedings were as civil and as orderly as any other meeting at Local 813. When asked if he had attended the private meeting, his answer was no. When asked about Brother McMillian's statements regarding the alleged threats by GVP Candilori, and 10,000 missing pension hours he said he did not recall hearing that statement, but "during the meeting people were talking back and forth and I might have missed it". With no further questions Brother Conley stepped down.



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LOCAL 813 MEETING AND AGENDA, AFL-CIO, CLC DISTRICT COUNCIL 53

Brother Pennington then called his next witness Brother Dan Rowland Business Representative for all Glaziers in District Council 53.

Brother Rowland testified that he did attend the regular called meeting of Local 813 on May 12, 2005. He then stated that during the meeting he felt Brother McMillian tried to "act like he was still a B A even though he had quit". Brother Rowland also stated that Brother McMillian wanted everyone removed except for members of Local 813 and told the membership that he was "not responsible for them not being informed about the recent contract" even though he was still the B A at the time of the vote. When Brother Kosky asked about statements concerning GVP Candilori, Brother Rowland said he heard Brother McMillian tell the membership that he had been threatened by him. Brother Rowland also stated that he had heard Brother McMillian's statement about 10,000 missing pension hours but there was no reference to GVP Candilori concerning those hours. Brother Pennington then asked Brother Rowland if he had heard Brother McMillian ask for the private meeting for Local 813 members only after the regular meeting, and did he think it was for the purpose of causing dissension. The answer was yes on both questions. At that time Brother McMillian ask Brother Rowland if he even knew the definition of dissension. Brother Rowland said since he did not have a Webster's Dictionary handy, and would not want to be inaccurate, and he would not answer. With no further questions Brother Rowland stepped down.

Brother Pennington then called his next witness Brother Jerry Huffman Business Representative Local 970, Assistant B R Local 813.

Brother Huffman stated that he did attend Local 813's regular meeting on May 12, 2005 Brother Huffman went on to say that when he arrived at the meeting Gerald McMillian's brother Jack McMillian asked him what the f**k he was doing there and that he should go back to Charleston. Brother Huffman also stated that he felt that they had been set up and that Brothers Pennington, Hackney, and himself had been attacked with a "bloodlust". He also stated that during the meeting Brother McMillian was passing notes to the financial secretary to give to his brother Jack McMillian and others so they could also disrupt the meeting. Brother Huffman said that due to the fact that he was seated up front next to the president he could see and hear things the others may not have. He stated that Brother McMillian said he wanted a



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private meeting to talk about illegal activities. Brother Abicht asked if he felt the attack was premeditated and Brother Huffman said yes. Brother Pennington asked if he felt the private meeting was called to cause dissension, Brother Huffman replied he felt that it was and was also the reason the next regular meeting was out of control, so apparently it worked. When Brother Kosky asked if the normal order of business was conducted the answer was "no order of business was conducted that night". With no further questions Brother Huffman stepped down.

Brother Pennington had no further witness' so Brother McMillian was asked to make a statement and call any witness' on his behalf.

Brother McMillian's statements throughout the trial were as follows. He first ask that the decision of the trial board be rendered by secret ballot and that he be given a copy of the charges because he had left his at home and he did not think the charges that were read were the same. He went on to say that 50% of Hackney's testimony was fabricated. He stated that there was no mention of any 10,000 hours lost in the pension and that GVP Candilori had acted like a perfect gentleman to him and that no threats were made. He then stated that Brother Conley's statement was true and that while Brother Rowland was green he did the best he could. Brother McMillian then went on to say Brother Huffman's statement was 110% lies. Brother Abicht asked if Brother McMillian had called any of his members before the meeting to inform them of what was going on and to boost attendance, he said that he had and also because he was afraid the international would close his local for a lack of attendance at his union meetings. Brother Kosky asked why he wanted a private meeting and Brother McMillian said he wanted to explain that the reason he resigned was that he felt like a liar, a cheat and that he had misrepresented his members and that was why he resigned. He also said he wanted to inform them on what actions he had taken and was going to take against their District Council. He made the statement he was not guilty of anything.

Brother McMillian then called his only witness Jack McMillian

Brother G McMillian made the statement that he never said anything about 10,000 missing pension hours and ask Brother J McMillian if that was true and Jack said yes. He also stated that the president of Local 813 would not allow a private meeting. Gerald stated that he had not tried to act as a Business Rep. and that he had called members of Local 813 before the meeting and when he



Co-Chairs
Clarence Mitchell
Kenneth Bowen

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asked Jack if that was true Jack said yes. Brother Abicht asked Jack if he had been called prior to the meeting and Jack said he kept in touch with the Union and did not need to be called. Brother Kosky asked Jack if he felt Gerald's statements about what he had done and was going to do seem inflammatory, at that time Gerald interjected that he had never made such a statement. Jack's answer was no. When asked if Gerald had called for a private meeting after the meeting Jack said no. Brother Pennington asked Jack if he had attended the private meeting and if so what it was about. Jack stated that he did attend and they "just rehashed what was said upstairs". With no further questions Brother Jack McMillian stepped down.

With no further witnesses or testimony Chairman Poling closed the trial, released Brothers Pennington and McMillian and opened the floor for deliberations at 6:15 pm.

After a discussion Chairman Poling declared a secret ballot was not necessary.

After deliberations a vote was taken and a unanimous verdict was reached. The verdict was Guilty.

The trial board decided that due to Brother McMillian's actions he should be suspended as per sec. 293 of the general constitution from attending any union meetings of any Local Union in District Council 53 or any District Council 53 meetings for a period of 2 years. Also due to being on probation for 5 years from his last trial he must pay the remaining \$500.00 in monetary penalties resulting from that conviction when he was fined \$1000.00 and \$500.00 was rescinded contingent on him not violating any articles of the General Constitution.

Trial Board Recording Secretary

Ray Bradley

Ray Bradley

Union Member Rights and Officer Responsibilities Under the LMRDA

From the United States Department of Labor website:

The Labor-Management Reporting and Disclosure Act (LMRDA) guarantees certain rights to union members and imposes certain responsibilities on union officers. The Office of Labor-Management Standards (OLMS) enforces many LMRDA provisions while other provisions, such as the bill of rights, may only be enforced by union members through private suit in Federal court. For more information contact the nearest OLMS field office.

Union Member Rights

Bill of Rights - Union members have:

- equal rights to participate in union activities
- freedom of speech and assembly
- voice in setting rates of dues, fees, and assessments
- protection of the right to sue
- safeguards against improper discipline

Copies of Collective Bargaining Agreements

- Union members and nonunion employees have the right to receive or inspect copies of collective bargaining agreements.

Reports - Unions are required to file an initial information report (Form LM-1), copies of constitutions and bylaws, and an annual financial report (Form LM-2/3/4) with OLMS. Unions must make the reports available to members and permit members to examine supporting records for just cause. The reports are public information and copies are available from OLMS.

Officer Elections - Union members have the right to:

- nominate candidates for office
- run for office
- cast a secret ballot
- protest the conduct of an election

Officer Removal - Local union members have the right to an adequate procedure for the removal of an elected officer guilty of serious misconduct.

Trusteeships - Unions may only be placed in trusteeship by a parent body for the reasons specified in the LMRDA.

Prohibition Against Certain Discipline - A union or any of its officials may not fine, expel, or otherwise discipline a member for exercising any LMRDA right.

Prohibition Against Violence - No one may use or threaten to use force or violence to interfere with a union member in the exercise of LMRDA rights.

Union Officer Responsibilities

Financial Safeguards - Union officers have a duty to manage the funds and property of the union solely for the benefit of the union and its members in accordance with the union's constitution and bylaws. Union officers or employees who embezzle or steal union funds or other assets commit a Federal crime

Officer Elections - Unions must:

- hold elections of officers of local unions by secret ballot at least every three years.
- conduct regular elections in accordance with their constitution

290A4222538
 I Requested To meet WITH The LU 813
 AT The MAY-12-05 meeting To Tell Them Why
 I Resigned. I HAD Charges File ON MYSELF
 For Doing So

punishable by a fine and/or imprisonment.

Bonding - Union officers or employees who handle union funds or property must be bonded to provide protection against losses if their union has property and annual financial receipts which exceed \$5,000.

Labor Organization Reports - Union officers must:

- file an initial information report (Form LM-1) and annual financial reports (Forms LM-2/3/4) with OLMS.
- retain the records necessary to verify the reports for at least five years.

Officer Reports - Union officers and employees must file reports concerning any loans and benefits received from, or certain financial interests in, employers whose employees their unions represent and businesses that deal with their unions.

and bylaws and preserve all records for one year.

- mail a notice of election to every member at least 15 days prior to the election.
- comply with a candidate's request to distribute campaign material.
- not use union funds or resources to promote any candidate (nor may employer funds or resources be used).
- permit candidates to have election observers.
- allow candidates to inspect the union's membership list once within 30 days prior to the election.

Restrictions on Holding Office - A person convicted of certain crimes may not serve as a union officer, employee, or other representative of a union for up to 13 years.

Loans - A union may not have outstanding loans to any one officer or employee that in total exceed \$2,000 at any time.

Fines - A union may not pay the fine of any officer or employee convicted of any willful violation of the LMRDA.

Back to the Guild Homepage

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2005 NOV 25 A 9 38

June 7, 2005

Gerald McMillian
188 Private Road 2546
Proctorville, OH 45669

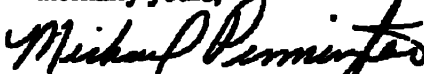
Re: Trial Board Hearing June 2, 2005

Dear Sir and Brother,

Charges filed by BMST Clarence Mitchell against Gerald McMillian were heard on June 2, 2005 at 6:00 P.M. 115 Spring Street Charleston, WV 25302. In accordance with the General Constitution of the International Brotherhood of Painters and Allied Trades Section 287 (c), the decision of the trial board is as follows:

Penalty of five (5) years not being able to hold an office, be a delegate or be on a committee on any level of the International Union of Painters and Allied Trades organization and a monetary amount of \$1000.00 fine. To be rescinded to \$500.00 with a five (5) years probation period during which time Brother McMillian refrains from any violations of the General Constitution. If violation of the probation period occurs then the remaining \$500.00 fine would be assessed. In accordance with Section 293 of the International Union of Painters and Allied Trades General Constitution.

Fraternaly yours,



Michael Pennington, President
District Council No. 53

CC: GST Galis
BM/ST Mitchell

**Trial Board Meeting
Clarence Mitchell x Gerald McMillian
June 02, 2005**

President Mike Pennington open the Trial at 6:00PM here at the District Council 53 Office, 115 Spring Street, Charleston, West Virginia by reading the charges that BMST Clarence Mitchell place against Brother Gerald McMillian, which reads as follows: Section 282 (5), (6), (7) and (13).

Section 282-5	Conduct unbecoming as a member or an officer.
Section 282-6	Neglecting the performance of a officers duties and failure to promote the interest of the members.
Section 282-7	Using the officers position to engage in such matter that are inimical to the welfare of this organization and is against good morals and union principles.
Section 282-13	Engaging in activity which tends to bring disrepute and reflect upon its good name and reputation.

After reading the charges, President Mike Pennington turn the trial meeting over to BMST Clarence Mitchell to present his proof of guilt on charges brought on Brother Gerald McMillian.

Clarence began telling the board that this is the last thing that he wanted to see done was charges put on anyone whether it be him or anyone else doing the charges, but Brother Gerald had gave him no choice for the betterment of District Council 53 and the IUPAT members. The charges are file in good faith and without malice. Clarence stated to the trial board that on April the 26th 2005 he received a fax from Gerald McMillian wanting two and half hours off for personal matters. (Exhibit A—fax letter from Gerald 4/26/05) On May 5, 2005 in the staff meeting with all DC53 agents I ask him why he wanted the two and a half hour off in the presents of all the agents. His reply was that he needed time off to go work for Service Glass painting planes where they had a project with King Daughter Hospital. He stated that he saw nothing wrong with it and that he had being work for them three days that week and also that he has done it for the past ten years including CE Adkins.

page two

Clarence Mitchell x Gerald McMillan—June 2, 2005 trial

Clarence enter in a report that the Council sends in every month to the General President Office on all locals unemployment or members that are off in those locals (exhibit B—copy of April's locals unemployed members report). Gerald turn in for Local 813 on that report of 50 members off in Local 813 while Gerald was working for Service Glass, violating Local 813 "hiring hall". Clarence then enter Article and Section of Local 813 collective bargaining agreement as (exhibit C) on the hiring hall rules that Gerald McMillan violated. Clarence said that these rules are to be enforce by Gerald McMillan as a union officer—not to be engaging in abusing for self gain. Clarence mention to the trial board that the liability to the council when Gerald works for contractors that it cannot continue. By Gerald actions, it provided these contractors an unfair advantage over the other union signatory contractors to District Council 53, creating possible problems with said contractors.

Clarence presented the evident over to President Mike Pennington. Mike then ask if anyone had any questions concerning the charges on Gerald to Clarence. Delegate Ray Bradley ask Clarence if he had any documentation on Gerald working for Service Glass. Clarence answer was that in a staff meeting with the agents, Brother Gerald McMillan said that he worked for Service Glass and worked for nothing—Gerald himself prove that he is guilty in front of all the agents of DC53, and this makes it unfair both to the local 813 members working under the hiring hall list and to the signatory contractors to District Council 53. There was no other questions.

Clarence was excused at 6:20 pm. The trial board waited another five minutes for Brother Gerald McMillan to show up before going on with the trial. Gerald did not show up.

President Mike Pennington read the certified letter that was mail to Gerald to be at the Trial Board with the time, date, and place. Mike enter in as (exhibit D) the attempts that Post Office had try to deliver to Gerald's address with no success and was not sign for.

With no other discussion or questions, Mike order the trial board to handle the charges separate.

On all four (4) charges against Gerald McMillan, the Trial Board vote was in one accord—guilty on all four (4) charges with nobody voting not guilty.

Then President Mike Pennington open the floor for a penalty placement upon Brother Gerald McMillan guilty vote.

Dan Poling talk about a penalty of five (5) years not being able to hold an office, be a delegate or be on a committee on any level of the IUPAT organization and a monetary amount of \$1,000.00. Then Jerry Huffman agree to said statement on

page 3

Clarence Mitchell x Gerald McMillan—June 2, 2005 trial

not being able to hold office of any type with the IUPAT, but to reduce the monetary amount to \$500.00 with a probation period of five (5) years during which time Brother McMillan refrains from any violations of the General Constitution. If violation of the probation period occurs then the remaining \$500.00 fine would be assessed. Jerry said that Section 293 of the General Constitution is in compliance with the penalties.

The Trial Board was in agreement with the penalty for Brother Gerald McMillan and President Mike Pennington thank the trial board and dismiss them at 6:45 pm.

Submitted by,


Kenneth Bird

Appointed by President Mike Pennington
Keeper of the Minutes

MUR #5664

11-17-05

OFFICE OF THE GENERAL COUNSEL
F.E.C
999 E ST. NW
WASHINGTON DC 20463

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
NOV 25 A 9 38

DEAR SIR

I HAVE A TOTAL OF ²²~~18~~ PAGES OF
INFORMATION FOR YOUR OFFICE TO REVIEW
THESE ARE ALL TRUE DOCUMENTS
DUE TO THE LACK OF MONEY TO TRY TO
FIGHT THESE UNFAIR ACTS. I AM ASKING
FOR HELP FROM THE F.E.C AGENCY

THANKING YOU
GERALD McMillian
Gerald McMillian

TAKEN SUBSCRIBE AND SWORN BEFORE ME
THE UNDERSIGNED NOTARY THIS 16TH
DAY OF NOVEMBER 2005

MY COMMISSION EXPIRES 1/29/2008

Gerald McMillian NOTARY PUBLIC

29044222544

**INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, AFL-CIO, CLC
DISTRICT COUNCIL 53**

ASSIGNMENT

From: Clarence E. Mitchell
Business Manager / Secretary-Treasurer
IUPAT District Council 53

To: Jerry Huffman BR
Gerald McMillian BR

Ref: Organizing in Eastern Corridor of the Territorial Jurisdiction
of District Council 53

Date: May 4, 2005

You are assigned to meet my assistant Richard Hackney on Monday May 9, 2005 at Exit 12 in eastern West Virginia, on Interstate 81. This will be the Martinsburg, Charlestown Exit. Go east on Rt.45 / 9 to McDonalds approximately 10yds on right. You are to be there by 7:30 a.m. no exceptions shall be accepted. Your assignment will include gathering of specific information on job sites, projects and employers, for organizing opportunities for the District Council. This assignment will require you to stay over night till this assignment is complete at the close of business on Friday. Please pack your attire accordingly. Furthermore, Assistant BM/St Hackney will make arrangements for any and all over night accommodations and any other expenses shall be directly reimbursed with proper documentation. A full written report on your activities and finding's would be appreciated by Tuesday, May 17, 2005.

Thank you in advance for you cooperation as we seek better opportunities for members of DC 53. If you have any question's please contact Assistant BM / ST Hackney.


Clarence E. Mitchell
BM / ST DC 53

CC: Richard Hackney
(Hand Delivered)

Office of
Clarence E. Mitchell, Sr.
Business Manager/
Secretary - Treasurer

4-343-8250 Phone
4-343-8260 Fax

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and Abatement Workers
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Industrial, Highway, Residential
Construction Workers

WE AGENDA

115
Spring Street
Charleston
West Virginia
25302

Organizing Since 1887

*This Assignment
is ABOUT 350 Miles
From my Home Several
Other Rep Live Closer*

(clerk)

I GRADUATED IN

disclaimer-cont

ELLSA Maps & Directions

References

Methods

Directions

Map Size Print E-mail Save to Pocket PC

Keywords:

- Turn-by-Turn Directions
- Reverse Directions
- Get New Directions

Abstract

- Overview
- Start
- End

Local Resources

- Traffic Maps
- City Guide
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- Weather

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History

Starts [REDACTED], Charleston, WV 25302
Ends Martinsburg, West Virginia, United States
Total Distance 304.7 Miles
Estimated Total Time 4 hours, 34 minutes

Directions

References

2500

Start: Depart

**Charleston, Wv 26302 on Spring St
(North)**

0.1

1: Turn RIGHT (East) onto US-119

0.2

2904422546

[Bigley Ave]

2: Turn LEFT (North) onto Garrison Ave, then immediately turn RIGHT (East) onto O'Dell Ave 0.3

3: Take Ramp (LEFT) onto I-77 towards I-77 / I-79 / Parkersburg / Clarksburg 1.0

4: Keep RIGHT onto I-79 towards I-79 / Clarksburg 148.1

5: At exit 148, take Ramp (RIGHT) onto I-68 towards I-68 / Cumberland 112.1

6: Entering Maryland

7: At exit 82AB, turn RIGHT onto Ramp towards I-70 / US-40 / US-522 / Hagerstown / Hancock / Winchester 0.1

8: Take Ramp (RIGHT) onto I-70 [US-40] towards I-70 / US-40 / Hagerstown 24.8

9: At exit 28, turn RIGHT onto Ramp towards I-81 NORTH and / Roanoke / Harrisburg 0.1

10: Take Ramp (RIGHT) onto I-81 [Maryland Veterans Memorial Hwy] towards I-81 / Roanoke 16.3

11: Entering West Virginia

12: At exit 13, turn RIGHT onto Ramp towards CR-15 / King Street / Downtown 0.2

13: Turn LEFT (East) onto CR-15 towards King St / Downtown 0.1

14: Keep STRAIGHT onto CR-15 [King St] towards King St / Downtown 0.1

15: Keep STRAIGHT onto CR-15 [W King St] 1.1

16: Keep STRAIGHT onto US-11 [W King St] 0.3

End: Arrive Martinsburg, West Virginia, United States



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